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FILED
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES GONZALES,
PLAINTIFF,

vs.

DIRECTOR OF CORRECTIONS
OF THE CALIFORNIA DEPT.
OF CORRECTIONS AND REHABILITATION,
DEFENDANT.

) CASE NO. 07-2373 MHP (PR)
)
) RESPONSE TO, "ORDER TO SHOW
) CAUSE," WHY INFORMA PAUPERIS
) SHOULD NOT BE DENIED.

THIS MOTION IS IN RESPONSE TO THE ORDER TO SHOW CAUSE ISSUED BY UNITED STATES DISTRICT COURT JUDGE MARILYN HALL PATEL ON JANUARY 18, 2008 AND FILED WITH THE COURT CLERK ON 1-22-2008.

THE COURT STATED IN ITS ORDER I NEED NOT FILE A WRITTEN RESPONSE IN EACH CASE AND IF IS SUFFICIENT I FILE MY WRITTEN RESPONSE IN THE LOWEST CASE NO. C-07-2373 MHP (PR).

IN EACH OF THE CASES I FILED THAT THE COURT HAS ORDERED ME TO SHOW CAUSE, I ALLEGED THAT I WAS EITHER ASSAULTED AND, OR, THAT MY LIFE WAS IN IMMINENT PERIL AND I WAS FORCED TO SUFFER INHUMANE TORTURE WHILE TRYING TO SURVIVE UNTIL THE COURT FINALLY GOT TO MY COMPLAINTS I FILED PURSUANT TO 42 USC 1983.

BECAUSE I AM NO LONGER IN THE JURISDICTION OF THE NORTHERN DISTRICT I FEAR THE COURT MAY ATTEMPT TO DISMISS MY COMPLAINTS FOR LACK OF JURISDICTION AND I AM NOT VOLUNTARILY DISMISSING ANY OF MY COMPLAINTS.

THIS COURT IS OBVIOUSLY FAMILIAR WITH MY PAST COMPLAINTS THAT I'VE FILED IN THIS COURT ALL RELATED TO CRUEL ABUSE I HAVE SUFFERED IN THE CALIFORNIA DEPARTMENT OF CORRECTIONS UNLIKE ANY INMATE IN THE HISTORY OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS HAS EVER SUFFERED UNJUSTLY AND WITHOUT CAUSE.

I THOUGHT IN THE PAST THAT JUST BY FILING THE COMPLAINTS THE "ABUSE", FOR LACK OF A BETTER WORD TO DESCRIBE IT, WOULD CEASE, BUT IT HASN'T.

FINALLY, AFTER FOURTEEN YEARS I HAVE SUFFICIENT EVIDENCE

1.

RESPONSE TO ORDER TO SHOW CAUSE

TO PROVE TO THE COURT AND TO A JURY A CONSPIRACY THAT HAS EXISTED IN THE STATE OF CALIFORNIA PRISON SYSTEM TO TRY AND MURDER ME.

FURTHERMORE, I NOT ONLY HAVE EVIDENCE BUT I NOW ACTUALLY HAVE "WITNESSES" WHO WILL TESTIFY THAT NOT ONLY HAVE CORRUPT PRISON GUARDS AND CONVICTS CONSPIRED TOGETHER TO MURDER ME SINCE 1995, BUT, THAT SINCE THAT FATEFUL DAY ON MAY 2, 1995 I LIVED THRU, I HAVE SUFFERED THE MOST CRUEL, INHUMANE TORTURE AT THE HANDS OF THESE CRIMINALS.

SINCE MAY 2, 1995 I HAVE BEEN FORCED TO SUFFER THE MOST INHUMANE CONDITIONS DESCRIBING IT WOULD SHOCK THE CONSCIENCE OF EVEN THE MOST SEASONED UNITED STATES DISTRICT COURT JUDGE THAT IS USED TO REVIEWING 42 USC 1983 COMPLAINTS.

PRIOR TO 1995, I WAS A NORMAL, NON-VIOLENT INMATE IN THE CALIFORNIA PRISON SYSTEM, NOT AWARE OF THE EVILS OF THE CRIMINAL JUSTICE SYSTEM OR THE PRISON SYSTEM. I WAS AN INNOCENT PERSON, NOT RAISED IN A GANG ENVIRONMENT AT ALL EVER IN MY LIFE, AND WAS NOT AWARE OF THE EXISTENCE OF STREET GANGS OR PRISON GANGS.

THE FACT OF THE MATTER IS THAT IN 1996, I WAS EXPOSED TO RADIATION AND HAD EVIDENCE TO PROVE THAT, BUT THIS IS ONE OF THE 42 USC 1983'S THIS COURT DISMISSED AS FRIVOLOUS THAT WAS NOT FRIVOLOUS, IT REALLY DID HAPPEN, ALTHOUGH I ADMIT I MAY HAVE ACCUSED THE WRONG DEFENDANTS WHICH MADE IT SOUND ABSURD.

2.

THAT INCIDENT, GONZALES VS. U.S.A., N.D. CAL CASE NO. — CV-98-3060 MHP, IS THE TIP OF A HUMUNGEOUS, DEEP, "ICE BERG", THAT HAS TAKEN YEARS, MORE THAN A DECADE OF MY ENDURANCE OF THE MOST ATROCIOUS, CRUEL, INHUMANE SUFFERING, FROM 1995 TO 2008, IN WHICH I'VE PAIN STAKENLY, SLOWLY, BEEN ABLE TO COLLECT AND PRESERVE BITS AND PIECES OF A LENTHY CHAIN OF EVIDENCE THAT IS NOW SUFFICIENT THAT I AM ABLE TO PROVE CONVINCINGLY TO THIS COURT THAT MY LIFE IS IN IMMINENT DANGER IN THE CALIFORNIA DEPARTMENT OF CORRECTIONS.

THE FIRST ATTEMPT ON MY LIFE WAS WITHIN MY FIRST FEW MONTHS AT THE VERY BEGINNING OF MY NINE YEAR PRISON SENTENCE ON MAY 2, 1995 IN WHICH INMATES JUMPED ME AND TRIED TO CUT MY THROAT.

THAT RESULTED IN FIFTY EIGHT STITCHES ACROSS MY NECK AND THE LOSS OF A QUARTER OF MY BLOOD.

SINCE THAT TIME I'VE BEEN ATTACKED SEVERAL TIMES BY INMATES, I'VE BEEN POISONED, SLICED, BEATEN, STABBED, AND TORTURED.

I'VE REPEATEDLY BEEN DENIED PLACEMENT IN PROTECTIVE CUSTODY BY THE CALIFORNIA DEPARTMENT OF CORRECTIONS BECAUSE I DON'T FIT THEIR CRITEREA FOR PROTECTIVE CUSTODY.

HOWEVER, IN 2002 WHILE I WAS IN FEDERAL CUSTODY, THE U.S. MARSHALS AND FEDERAL BUREAU OF PRISONS PLACED ME IN PROTECTIVE CUSTODY FOR THE SAME INCIDENTS THAT OCCURRED IN THE CALIFORNIA DEPARTMENT OF CORRECTIONS I AM COMPLAINING ABOUT TO THIS COURT.

ULTIMATELY IN NOVEMBER 1998 I WAS FORCED WITH NO OPTION BUT TO WRITE FICTITIOUS THREATS TO ESCAPE FROM PRISON AND KILL A FICTITIOUS PUBLIC OFFICIAL WHOM I CREATED BUT WAS CHARGED WITH THREATENING AN ACTUAL PERSON.

IN NOVEMBER 1998 I HAD ALREADY SERVED FOUR YEARS OFF MY NINE YEAR SENTENCE AND I HAD ONLY TWO YEARS TO SERVE BEFORE MY PAROLE DATE, "BUT," THATS WHEN I WAS POISONED "AGAIN."

I TRIED TO FIND SOME TYPE OF RULE THAT WOULD GET ME PLACED IN PROTECTIVE CUSTODY WHERE I WOULD NOT BE SUBJECTED TO BEING POISONED AND ASSAULTED AS I WAS BEING.

I FOUND A CERTAIN RULE THAT STATED, "IF AN INMATE WRITES A THREAT TO A PUBLIC OFFICIAL IN VIOLATION OF PENAL CODE 76(a), THAT INMATE SHALL IMMEDIATELY BE PLACED IN AN OUTER FACILITY PENDING DISPOSITION OF ANY CHARGES."

BECAUSE MY LIFE WAS IN IMMEDIATE DANGER I WROTE FICTITIOUS THREATS BUT MY THREAT TO ESCAPE AND KILL A PUBLIC OFFICIAL WAS UNREAL, AND IN FACT THE PRISON I WAS IN IS A SUPER MAXIMUM SECURITY PRISON THAT IS INSULATED BY A LETHAL ELECTRIFIED FENCE, AND ESCAPE WAS NOT POSSIBLE.

I RECEIVED A LIFE SENTENCE AFTER CONVICTIONS OF THIS CHARGE AS A THIRD STRIKE CASE, AND I WAS ONLY TRYING TO SAVE MY LIFE BY ESCAPING IN THE ONLY WAY POSSIBLE AFTER I READ CALIFORNIA CORRECTIONAL DEPARTMENT RULE 3003 WHICH STATED IF AN INMATE MAKES SUCH A THREAT HE WILL "IMMEDIATELY" BE PLACED IN CUSTODY ELSE WHERE.

4.

Response to order to show cause

EVEN IF ONLY TEMPORARY, I WAS ABLE TO TELL A PUBLIC DEFENDER I WAS BEING MURDERED AND POISONED, BUT IT DID NO GOOD AS I WAS PROSECUTED ANYWAYS AND I WAS CONVICTED FOR A CRIME I WAS FORCED TO COMMIT WITHOUT INTENDING TO HARM ANYONE, IN ORDER TO AVOID BEING MURDERED IN THE CALIFORNIA PRISON SYSTEM.

I HAD A DEFINITE PAROLE DATE UNTIL I WROTE THE LETTERS THAT DID GET ME OUT OF THAT SITUATION BUT AFTER I WAS CONVICTED FOR WRITING A THREAT I GOT STRUCK OUT UNDER THE 3K LAW AND GOT A 25 TO LIFE PRISON TERM.

WHILE I WAS IN THE SANTA CLARA COUNTY JAIL GOING TO COURT FOR THIS THREAT I WROTE, I WROTE ANOTHER MORE SERIOUS BUT FICTITIOUS BOMB THREAT USING MY FAMILY'S NAME AND I SENT THAT BOMB THREAT TO MY HOME COUNTY IN THE STATE OF ARIZONA, COCHISE COUNTY.

MY INTENTION WAS TO INCUR CHARGES AND BE TAKEN TO ARIZONA AND PROSECUTED WHERE I COULD GET IN CONTACT WITH MY RELATIVES AND TELL THEM I WAS BEING TORTURED AND MURDERED IN THE CALIFORNIA PRISON SYSTEM I HAD THE MISFORTUNE TO END UP IN.

I ALSO HOPED THAT IF I WERE CONVICTED IN ARIZONA I MIGHT BE ABLE TO STAY IN ARIZONA TO SERVE MY TIME THERE WHERE MY LIFE WOULD NOT BE ENDANGERED BECAUSE I'VE HAD TOO MANY PEOPLE TRY TO KILL ME IN CALIFORNIA FOR NO REASON.

AFTER I WAS SENTENCED TO 25 TO LIFE IN SANTA CLARA COUNTY IN THE YEAR 2000, I WAS TAKEN TO ARIZONA FOR PROSECUTION OF MY BOMB THREAT AS A FEDERAL CHARGE. (USA VS. GONZALES, CASE NO. - 01-CR-783 DCB-NFF PHX ARIZONA).

I SPENT TWO YEARS IN ARIZONA AND I NEVER HAD NOT ONE INMATE OR OFFICER ATTEMPT TO POISON

OR Kill me.

I NEVER IMAGINED ANY PRISON ANYWHERE COULD BE AS HUMANE AND CIVILIZED AS I WAS TREATED IN MY HOME STATE OF ARIZONA.

WHILE I WAS IN ARIZONA, I REGULARLY TOLD EVERYONE I COULD INCLUDING MY COURT APPOINTED ATTORNEY MR. KIMMINAUE, OF THE EVIL RAVAGES I WAS BEING TORTURED WITH IN CALIFORNIA.

PEOPLE THERE IN ARIZONA BELIEVED MY TALES AND SYMPATHIZED WITH ME AND TREATED ME LIKE I WAS THEIR FAMILY, AND MADE ME REALIZE IT WAS WRONG WHAT THE INMATES AND PRISON GUARDS OF CALIFORNIA ARE DOING TO ME.

AFTER MY CASE WAS OVER IN ARIZONA BECAUSE THE U.S. ATTORNEY DECLINED TO PROSECUTE AS I WAS SENTENCED TO 25 TO LIFE IN CALIFORNIA, PREPARATIONS WERE MADE TO RETURN ME TO SALINAS VALLEY PRISON.

I WAS SO TRAUMATIZED BY THE NUMEROUS VIOLENT ATTACKS ON MY LIFE IN CALIFORNIA, E.G. BEING CUT ACROSS MY THROAT, BEING POISONED, BEAT UP, ETC... FOR NO REASON, THAT I WAS LITERALLY WILLING TO COMMIT MURDER TO STAY IN THE ARIZONA PRISON SYSTEM FOR MY OWN SAFETY.

I TRIED TO INCUR CHARGES THAT WOULD KEEP ME THERE AND NOT HAVE TO RETURN TO CALIFORNIA.

JUST FOR THE RECORD, THE MAJORITY OF INMATES IN THE CALIFORNIA PRISON SYSTEM LIVE IN COMFORT AND LUXURY LIKE THEY'RE AT HOME, WITH COLOR T.V.'S IN THEIR CELLS, BOOM BOXES, PERSONAL CLOTHING, ETC... LIKE THEY'RE AT HOME.

Response to ORDER TO SHOW CAUSE 6.

IT WAS AFTER THAT INMATE DIED THAT I BEGAN FILING THE COMPLAINTS I'VE FILED IN THIS CASE.

EXCEPT FOR THE CASE OF GONZALES VS. DIRECTOR OF CORRECTIONS CASE NO. 07-3691 MHP (PR), I FILED ALL MY CASES IN THE NORTHERN DISTRICT.

GONZALES VS. DIRECTOR CASE NO. 07-3691 WAS ORIGINALLY FILED IN THE EASTERN DISTRICT AND TRANSFERRED TO THE NORTHERN DISTRICT.

THE CASE AT HAND PRESENTLY, CASE 07-2373, IT WAS NOT A 42 USC 1983.

CASE NO. 07-2373, ORIGINALLY STARTED AS A LETTER TO THE FEDERAL BUREAU OF INVESTIGATION'S F.B.I. IN THE FEDERAL BUILDING REQUESTING AN INVESTIGATION BECAUSE THE PRISON GUARDS WERE VIOLATING FEDERAL LAW BY PLACING PRESCRIPTION MEDICATION IN MY FOOD.

SOMEHOW MY LETTER TO THE F.B.I. ENDED UP IN THE COURT CLERKS OFFICE AND IN THE COURTROOM AT WHICH TIME THE COURT ORDERED ON JUNE 29, 2007, FOR ME TO FILE AN APPLICATION FOR IN FORMA PAUPERIS WHICH I DID, AND THAT BECAME THIS CASE, 07-2373.

I ALSO FILED A MOTION IN THIS CASE FOR THE COURT TO SOMEHOW CONSOLIDATE ALL MY COMPLAINTS INTO ONE CASE.

IN THE INTEREST OF JUSTICE BECAUSE I KNOW I HAVE FILED NUMEROUS COMPLAINTS AND NOT ALL OF MY COMPLAINTS PERTAIN TO MY LIFE BEING IN DANGER.

I RESPECTFULLY ASK THE COURT TO SCREEN OUT AND DISREGARD ANY OF MY COMPLAINTS THAT DO NOT PERTAIN TO MY SAFETY.

I WOULD LIKE TO WITHDRAW ANY OF MY COMPLAINTS THAT ARE NOT RELATED TO MY SAFETY CONCERNS.

I would like to ask the Court to Consolidate any or all my complaints that relate to my being assaulted, poisoned, or in danger, into one case.

If I am able to prove my case, the sole relief I am seeking is simply to be transferred out of the State of California's Department of Corrections, to the feds where I have my old number # 59768008, or to Alaska, Oregon, Hawaii, Arizona, Department of Corrections with whom California does have an interstate compact agreement with.

My life is still in danger and even though I've been transferred from Salinas Valley Prison to another prison, this prison is where I was severely poisoned in 1998 and almost killed and I have proof of that and even the Attorney General is aware of it.

I respectfully ask this Court to give me an opportunity to prove to the Court that my life is still in imminent danger and that even when I arrived at this prison I was poisoned again as usual and I reported my chest pains to the medical staff and taken to a hospital.

I am 42 years old, and my health has been impacted by the constant bombardment of abuse and torture with no relief whatsoever.

I don't know why I have been the victim of such atrocious abuse and inhumane treatment but it has gone on for fourteen years that I've been in prison consecutively and I have evidence that I've accumulated to prove my allegations that my life is in imminent danger and these inmates or prison guards have no intention of stopping, trying to kill me and

CONTINUE TO TORTURE ME IN THE PROCESS.

IT IS A DAILY JOB ON MY BEHALF TO KEEP RINSING MY FOOD TO AVOID BEING POISONED AND STAY ALIVE SO I DON'T DIE OF UNNATURAL CAUSES OR MURDER.

THE INTERSTATE COMPACT AGREEMENT WITH THE FEDS AND OTHER STATES DEPARTMENT OF CORRECTIONS IS DESIGNED FOR INMATES SUCH AS MYSELF WHO CANNOT SAFELY PROGRAM IN ANY STATE PRISON AND SENTENCED TO THE CALIFORNIA D.O.C.

I HAVE SUBSTANTIAL DOCUMENTED ASSAULTS AGAINST ME IN CALIFORNIA, I HAVE AT LEAST FORTY DOCUMENTED ENEMYS WHO ARE DOCUMENTED PRISON GANG MEMBERS.

I AM NOT A DOCUMENTED PRISON GANG MEMBER OR ASSOCIATE, OR EVER HAVE BEEN.

I DONT HAVE ANY FAMILY IN CALIFORNIA, NOTHING TO PROTECT ME FROM HARM IN CALIFORNIA'S PRISON SYSTEM AND IT CONTINUES EACH DAY.

I WAS CLASSIFIED IN THE FEDS AS A PROTECTIVE CUSTODY INMATE, AND I AM NOT GETTING THE SAME PROTECTION IN THE STATE OF CALIFORNIA.

IN THE INTEREST OF JUSTICE, I RESPECTFULLY ASK THE COURT TO GRANT MY INFORMA PAUPERIS APPLICATIONS AND SCREEN OUT ANY OF MY COMPLAINTS THAT DO NOT RELATE TO MY SAFETY OR EVIDENCE OF MY BEING ASSAULTED BY STAFF AND INMATES.

12.

IN THE INTEREST OF JUSTICE I RESPECTFULLY ASK THE COURT TO TRANSFER MY CASE TO THE EASTERN DISTRICT IN FRESNO IF I AM NOT IN THE COURTS JURISDICTION.

I FILED A COMPLAINT AGAINST THE DIRECTOR OF CORRECTIONS THAT WAS TRANSFERRED FROM THE EASTERN DISTRICT TO THE NORTHERN DISTRICT. (SEE COURT ORDER FROM EASTERN DISTRICT TO NORTHERN DISTRICT IN CASE NO. C-07-3691 MHP (PR).

I RESPECTFULLY ASK THIS COURT PLEASE REQUIRE AND ANSWER TO MY COMPLAINTS FROM THE DIRECTOR OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS AS QUICKLY AS POSSIBLE, THAT I MAY BE GRANTED THE ONLY RELIEF I SEEK TO BE TRANSFERRED TO ANOTHER PRISON OUTSIDE OF CALIFORNIA, AND PREFERABLY TO MY OWN STATES DEPARTMENT OF CORRECTIONS PRISON SYSTEM IN ARIZONA OR TO THE FEDS.

VERY RESPECTFULLY
James Gonzalez

DATE: SUNDAY
FEBRUARY 10, 2008

